

Rafey Balabanian (SBN 315962)
rbalabanian@edelson.com
Yaman Salahi (SBN 288752)
ysalahi@edelson.com
EDELSON PC
150 California Street, 18th Floor
San Francisco, California 94111
Tel: 415.212.9300
Fax: 415.373.9435

Jay Edelson (*pro hac vice*)
jedelson@edelson.com
Roger Perlstadt (*pro hac vice*)
rperlstadt@edelson.com
J. Eli Wade-Scott (*pro hac vice*)
ewadescott@edelson.com
Michael Ovca (*pro hac vice*)
movca@edelson.com
EDELSON PC
350 North LaSalle, 14th Floor
Chicago, Illinois 60654
Tel: 312.589.6370
Fax: 312.589.6378

Kristin A. Linsley (SBN 154148)
klinsley@gibsondunn.com
Rosemarie T. Ring (SBN 220769)
rring@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
555 Mission Street, Suite 3000
San Francisco, California 94105
Tel: 415.393.8200
Fax: 415.393.8306

Perlette Michèle Jura (SBN 242332)
pjura@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
333 South Grand Avenue
Los Angeles, California 90071
Tel: 213.229.7000
Fax: 213.229.7520

*Attorneys for Defendant Meta Platforms, Inc.
(f/k/a Facebook, Inc.)*

Attorneys for Plaintiff and the Proposed Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

JANE DOE, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

META PLATFORMS, INC. (f/k/a Facebook,
Inc.), a Delaware corporation,

Defendant.

Case No. 4:22-cv-00051-YGR

**STIPULATION AND ~~PROPOSED~~
ORDER RE: MOTION TO DISMISS**

Pursuant to Civil Local Rule 7-12, the parties respectfully submit this stipulation and proposed order concerning the briefing schedule of Defendant's pending motion to dismiss. Specifically, the parties agree that the deadline for Defendant's reply in support of its motion to dismiss should be continued to June 23, 2022, to permit Defendant to depose Plaintiff's expert on June 9, 2022. The parties further agree that if Defendant submits an expert report in

1 support of its reply brief, Plaintiff may file a Sur-Reply and/or rebuttal report limited to the
2 issues raised by Defendant's expert report on or before July 28, 2022.

3 WHEREAS, Defendant Meta Platforms, Inc. filed a motion to dismiss on March 7,
4 2022 (Dkt. 22);

5 WHEREAS, pursuant to the briefing schedule adopted by the Court, Plaintiff Jane Doe
6 filed her opposition to Defendant's motion on April 21, 2022, Defendant's reply in support of
7 its motion is due on June 6, 2022, and the hearing on said motion was set for June 21, 2022 at
8 2:00 pm (Dkt. 20);

9 WHEREAS, the Court approved the parties' stipulation and ordered the hearing on
10 Defendant's motion to dismiss continued from June 21, 2022 at 2 p.m. to August 23, 2022 at
11 2:00 p.m. (Dkt. 38);

12 WHEREAS, Plaintiff submitted the Declaration of Andrew Harding in support of her
13 opposition to Defendant's motion to dismiss (Dkts. 35-1, 36-1);

14 WHEREAS, pursuant to Local Civil Rule 30-1, on May 3, 2022, counsel for Defendant
15 informed counsel for Plaintiff that Defendant intended to notice the deposition of Dr. Harding
16 for May 18, 2022;

17 WHEREAS, through subsequent meet and confer, Plaintiff's counsel agreed to make
18 Dr. Harding available for deposition on June 9, 2022, after the current deadline for
19 Defendant's reply brief;

20 WHEREAS, the parties agree that the deadline for Defendants' reply brief should be
21 continued to June 23, 2022, to ensure sufficient time for the deposition and preparation of a
22 final transcript;

23 WHEREAS, the parties agree that if Defendant files an expert report in response to
24 Dr. Harding's report, Plaintiff should have the opportunity to depose Defendant's expert and to
25 file a Sur-Reply and/or rebuttal report limited to the issues raised by Defendant's expert report
26 and related arguments in Defendant's reply brief;

27 WHEREAS, the parties agree that if Defendant files an expert report in response to
28 Dr. Harding's report, Plaintiff will depose Defendant's expert by July 14, 2022;

1 WHEREAS, the parties agree that if Defendant files an expert report in response to
2 Dr. Harding's report, Plaintiff may file a Sur-Reply and/or rebuttal report limited to the issues
3 raised by Defendant's expert report by July 28, 2022;

4 WHEREAS, the parties further agree if Defendant does not file its own expert report,
5 Plaintiff must seek leave of the Court to file a Sur-Reply, if appropriate;

6 WHEREAS, consistent with Paragraph 3 of the Court's standing order regarding
7 changes to the Court's calendar, the parties respectfully submit that there is good cause to
8 change the current briefing schedule to allow Defendant to take the deposition of Dr. Harding,
9 that no prejudice will result to either side from doing so, and that the proposed schedule will
10 allow the Court more than two weeks from the filing of Defendant's reply brief (or a potential
11 Sur-Reply brief from Plaintiff) before the scheduled hearing date;

12 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, subject to
13 the Court's approval, that Defendant's reply brief will be due on June 23, 2022, and that if
14 Defendant submits an expert report in support of its reply brief, Plaintiff may file a Sur-Reply
15 and/or rebuttal report limited to the issues raised by Defendant's expert report on or before
16 July 28, 2022.

17
18 Dated: May 13, 2022

Respectfully submitted,

19 By: /s/ Yaman Salahi

20
21 Rafey Balabanian (SBN 315962)
rbalabanian@edelson.com
22 Yaman Salahi (SBN 288752)
ysalahi@edelson.com
23 EDELSON PC
150 California Street, 18th Floor
24 San Francisco, California 94111
Tel: 415.212.9300
25 Fax: 415.373.9435

26 Jay Edelson (*pro hac vice*)
jedelson@edelson.com
27 Roger Perlstadt (*pro hac vice*)
rperstadt@edelson.com
28 J. Eli Wade-Scott (*pro hac vice*)

1 ewadescott@edelson.com
2 Michael Ovca (*pro hac vice*)
3 movca@edelson.com
4 Edelson PC
5 350 North LaSalle, 14th Floor
6 Chicago, Illinois 60654
7 Tel: 312.589.6370
8 Fax: 312.589.6378

Attorneys for Plaintiff Jane Doe and the Proposed Class

9 By: /s/ Rosemarie T. Ring

10 Kristin A. Linsley (SBN 154148)
11 klinsley@gibsondunn.com
12 Rosemarie T. Ring (SBN 220769)
13 rring@gibsondunn.com
14 GIBSON, DUNN & CRUTCHER LLP
15 555 Mission St., Suite 3000
16 San Francisco, CA 94105-0921
17 Telephone: 415.393.8200
18 Facsimile: 415.393.8306

19 Perlette Michèle Jura (SBN 242332)
20 pjura@gibsondunn.com
21 GIBSON, DUNN & CRUTCHER LLP
22 333 South Grand Avenue
23 Los Angeles, California 90071
24 Tel: 213.229.7000
25 Fax: 213.229.7520

*Attorneys for Defendant Meta Platforms, Inc.
(f/k/a Facebook, Inc.)*

19 **ATTESTATION OF ELECTRONIC SIGNATURE**

20 I hereby attest that pursuant to N.D. Cal. L.R. 5-1(h)(3), I have obtained authorization
21 from the above signatories representing Plaintiff to file the above-referenced document, and
22 that the above signatories concur in the filing's content.

23 /s/ Rosemarie T. Ring

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

Defendant's reply in response to its motion to dismiss is due on June 23, 2022.

If Defendant submits an expert report in support of its reply brief, Plaintiff may file a Sur-Reply and/or rebuttal report limited to the issues raised by Defendant's expert report on or before July 28, 2022.

ENTERED: May 16, 2022


Honorable Yvonne Gonzalez Rogers
United States District Court